

# **FOOD SAFETY**

## **State and Federal Standards and Regulations**

# *Nevada*

## **1999**

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The National Association of State  
Departments of Agriculture (NASDA)  
1156 15<sup>th</sup> Street, N.W.  
Suite 1020  
Washington, D.C. 20005-1704  
(202)296-9680  
FAX: (202)296-9686  
nasda@patriot.net

National Center for Agricultural Law Research  
and Information  
U of A School of Law - 147 Waterman Hall  
University of Arkansas, Fayetteville, AR 72701  
(501) 575-7646  
FAX: (501) 575-5830

## NEVADA

Statutes covered in this section include Title 51, Chapters 583, 584 and 585, the “Nevada Food, Drug, and Cosmetic Act.” References to “Commissioner” under Chapter 585 means the Commissioner of Food and Drugs.<sup>1633</sup> Under these acts, the term “Federal Act” means the Federal Food, Drug, and Cosmetic Act (Title 21 U.S.C. §§301 et. seq.).<sup>1634</sup>

### Food

“Food” means anything used for food or drink for human or animal; chewing gum; and anything used for components of such.<sup>1635</sup> Anything regarding “sale of food” includes the manufacture, production, processing, packing, exposure, offer, possession, or holding of food for sale. It also includes the sale, dispensing, and giving of food, as well as the supplying or applying of food in the conduct of any food establishment.<sup>1636</sup> “Contaminated with filth” means food not securely protected from dust, dirt, and as far as necessary by all reasonable means, from foreign or injurious contamination.<sup>1637</sup>

Under the Act, the Commissioner is responsible for keeping a record of adulterated, mislabeled, or misbranded foods. The record shall include a list of the following: (1) cases examined, (2) violations found, (3) items found to be adulterated, mislabeled, or misbranded, and (4) names of manufacturers, producers, jobbers, and sellers. The Commissioner may include this

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<sup>1633</sup> NEV. REV. STAT. § 585.040 (1997).

<sup>1634</sup> § 585.090.

<sup>1635</sup> § 585.100.

<sup>1636</sup> § 585.190.

<sup>1637</sup> § 585.050.

record in the biennial report to the state board of health. Also, information deemed necessary in the interest of public health can be disseminated by the Commissioner.<sup>1638</sup>

### **Adulteration**

The adulteration of any food is a prohibited act, as is the manufacture, sale, delivery, holding, or offering for sale of any food that is adulterated.<sup>1639</sup>

Food will be deemed adulterated under the following conditions:

- ! if it contains any poisonous or deleterious substance that may be harmful to health;
- ! if it contains any color additive which is unsafe within the meaning of the Federal Act;
- ! if it consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or if it is otherwise unfit for food;
- ! if it is contaminated with filth, rendered diseased, unwholesome, or unhealthy due to being produced, prepared, packed, or held under unsanitary conditions;
- ! if it is the product of a diseased animal, an animal that did not die by slaughter, or an animal fed uncooked offal from a slaughterhouse;
- ! if its container is made of any substance that might make the contents injurious to health,<sup>1640</sup>
- ! if any valuable part has been in whole or in part omitted or withdrawn;
- ! if any substance has been in whole or in part substituted;
- ! if any damage or inferiority has been concealed;

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<sup>1638</sup> § 585.230.

<sup>1639</sup> § 585.520.

<sup>1640</sup> § 585.300.

- ! if anything has been added, mixed, or packed so as to increase bulk, reduce quality, reduce strength, or make it appear better or more valuable than it is;<sup>1641</sup>
- ! if it alleges a certain standard of purity, quality, or strength and it falls below such representation;<sup>1642</sup>

Confectionery is adulterated if it contains any nonnutritive object or substance. However, a confection may contain the following without being considered adulterated: (1) harmless coloring, flavoring, natural gum and pectin; (2) harmless resinous glaze, less than four-tenths of one percent; (3) harmless natural wax not in excess of four-tenths of one percent; or (4) less than four percent alcohol by weight. Chewing gum may contain “harmless nonnutritive masticatory substances.”<sup>1643</sup>

Chapter 583 contains additional adulteration provisions. Any livestock, meat, meat food product, and poultry is adulterated if:

- ! due to administration of any substance to a live animal, or otherwise, it bears or contains any added poisonous or added deleterious substance, except if it is a pesticide chemical in or on a raw agricultural commodity, a food additive, or a color additive;
- ! a raw agricultural commodity carries or contains a pesticide chemical which is unsafe under § 408 of the Federal Act (21 U.S.C. §346a);
- ! it carries or contains any food additive which is unsafe under §409 of the Federal Act (21 U.S.C. §348);

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<sup>1641</sup> § 585.310.

<sup>1642</sup> § 585.320.

<sup>1643</sup> § 585.330.

- ! it carries or contains any color additive which is unsafe under §706 of the Federal Act (21 U.S.C. §376);
- ! the use of a pesticide chemical, or a food or color additive in or on an item is prohibited by federal regulations where inspections are maintained under the Wholesome Meat Act and the Wholesome Poultry Products Act; or
- ! it was intentionally radiated, unless radiation use conformed with a regulation or exception under §409 of the Federal Act (21 U.S.C. §348).<sup>1644</sup>

### **Misbranded**

A food shall be deemed misbranded and prohibited as such if:

- ! its label is false or misleading;
- ! it is offered for sale under the name of another food;
- ! it is an imitation product and its label does not clearly and prominently state such, including the name of the product imitated;
- ! it is represented as a food for which a definition and standard of identity, quality, and fill of container has been established and it falls below the standard;
- ! it is represented for special dietary uses and its label does not contain information as to its vitamin, mineral, and other dietary attributes consumers would find necessary to determine its value for such use;
- ! its container is made, formed, or filled as to be misleading; or
- ! it contains any artificial flavoring, coloring, or chemical preservative and its label does not state such fact; however, butter, cheese, and ice cream are exempted from compliance

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<sup>1644</sup> § 583.265.

with the artificial coloring component.<sup>1645</sup>

In addition to the above list for misbranding, Chapter 583 contains additional provisions.

Any livestock, meat or meat food product, or poultry carcass is misbranded if:

- ! any word or other information required to appear on the label and such is not conspicuous, prominent, and in terms easy to read and understand by ordinary persons under customary conditions of purchase;
- ! it is represented as a food for which a definition and standard of identity, or composition has been prescribed, by federal regulations under the Wholesome Meat Act or the Wholesome Poultry Products Act, and it does not conform to the regulations;
- ! it fails to bear inspection legends or other information the officer or regulations require in order to inform the public of the manner of handling for maintaining wholesomeness.<sup>1646</sup>

### **Mislabeled or Labeling**

“Labeling” means any written, printed, or graphic material upon any container, wrapper, or material accompanying any such article.<sup>1647</sup> Labeling requirements are not complied with unless all required information appears on the outside container or wrapper or is clearly legible through the outside wrapper.<sup>1648</sup>

### **Enforcement**

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<sup>1645</sup> § 585.350(9).

<sup>1646</sup> § 583.355.

<sup>1647</sup> § 585.130.

<sup>1648</sup> § 585.120.

*Inspections.* During reasonable hours, the Commissioner or authorized agents have authority to enter, inspect, and take samples, from any place in which food is manufactured, processed, packed, or held for commerce and to enter any vehicle being used to transport or hold such food, in order to determine if the requirements of the Act are being violated. Payment shall be offered for obtained samples. Examinations shall be made of the samples in order to determine if any part of the Act is being violated.<sup>1649</sup>

*Condemnation or Quarantine.* If the Commissioner or his agent has probable cause to believe that a food is adulterated, or so misbranded as to be dangerous, the food shall be quarantined. Notice of such is accomplished by attaching a tag or mark to the food. The notice shall warn all persons not to remove, dispose, or sell the food until permission is given by the agent or the court. It is unlawful for such quarantined items to be removed, disposed, or sold without permission.<sup>1650</sup> An authorized agent shall remove tags or markings when the agent finds quarantined items are not adulterated or misbranded.<sup>1651</sup> When an article is found to be adulterated or misbranded, the Commissioner or agent will petition the judge of the district court in whose jurisdiction the article is quarantined for condemnation and destruction of such article.<sup>1652</sup>

*Destruction.* If the court finds an item is adulterated or misbranded, it shall be destroyed

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<sup>1649</sup> § 585.240.

<sup>1650</sup> § 585.250.

<sup>1651</sup> § 585.260(1).

<sup>1652</sup> § 585.270.

under the supervision of the Commissioner or an authorized agent.<sup>1653</sup> If a defect can be corrected, the court may order the item returned to the owner for correction under supervision of an authorized agent.<sup>1654</sup>

Any room, building, or vehicle found to contain any meat, seafood, poultry, vegetable, fruit, or other perishable items which are unsound, or contains a filthy, decomposed, or putrid substance, or items that may be poisonous or deleterious or otherwise unsafe is declared to be a nuisance. The Commissioner or an authorized agent shall immediately condemn, destroy, or “render such items unsalable as human food.”<sup>1655</sup>

### **Meat, Meat Products, and Fish**

Meat, meat products, and fish are regulated under both the Nevada Food, Drug, and Cosmetics Act Title 51, Chapter 583. The definitions and provisions regarding adulteration, additives, and misbranding are contained in both chapters. For simplicity, they were covered above and are not repeated here. Additionally, this section only covers Chapter 583.

Under Chapter 583, “department” means the Department of Human Resources. “Officer” means the state health officer.<sup>1656</sup> “Inspector” means: (1) an employee or official of the health division of the department of human resources authorized by the officer to perform the duties of an inspector; (2) a person who has contracted with the state health officer to perform the duties

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<sup>1653</sup> § 585.280.

<sup>1654</sup> § 585.290.

<sup>1655</sup> § 585.360.

<sup>1656</sup> § 583.365.

of an inspector;<sup>1657</sup> or (3) an owner or operator of an official establishment who has been authorized by the state health officer to act as an inspector for ante-mortem and post-mortem inspections.<sup>1658</sup> An “official establishment” is a commercial slaughterhouse that slaughters any animals for use as human food and has been inspected and approved by the officer.<sup>1659</sup> “Livestock” means cattle, sheep, swine, goats, horses or other equines, whether live or dead.<sup>1660</sup> “Meat” means any edible part of the carcass of any animal.<sup>1661</sup> “Meat food product” means any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of livestock, except products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product by the officer under such conditions as he may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat products.<sup>1662</sup> “Poultry” means any domesticated bird, whether live or dead.<sup>1663</sup> The definition of poultry product is identical to the definition of meat products described above. “Processed” means slaughtered, canned, salted, stuffed, rendered,

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<sup>1657</sup> § 583.295.

<sup>1658</sup> § 583.448(2).

<sup>1659</sup> § 583.375.

<sup>1660</sup> § 583.325.

<sup>1661</sup> § 583.335.

<sup>1662</sup> § 583.345.

<sup>1663</sup> § 583.405.

boned, cut up or otherwise manufactured or processed.<sup>1664</sup>

It is unlawful to sell, offer for sale, expose, or bring into any city or town in Nevada any: (1) diseased, unwholesome, blown, meager or bad meat or game; (2) unsound, diseased, or unwholesome fish; (3) flesh of any animal that was sick or diseased when killed, died a natural death, or died by accident.<sup>1665</sup> It is also unlawful to: (1) process, sell or offer for sale, transport or deliver or receive for transportation in intrastate commerce any livestock or poultry carcass or part thereof unless such article has been inspected and unless the article and its shipping container and immediate container, if any, are marked in accordance with the requirements of the State of Nevada and the Federal Wholesome Meat Act and the Federal Wholesome Poultry Products Act; (2) sell or otherwise dispose of, for human food, any livestock or poultry carcass or part thereof which has been inspected and declared to be adulterated; (3) falsely make or issue, alter, forge, simulate or counterfeit or use without proper authority, or help, aid, assist in or be a party to such, any official inspection certificate, memorandum, mark or other identification, or device for making such mark or identification, used in connection with inspections; (4) utter, publish or use as true, or cause to be uttered, published or used as true, any falsely made or issued, altered, forged, simulated or counterfeited official inspection certificate, memorandum, mark, or other identification, or device for making such mark or identification, or to represent that any article has been officially inspected when such has not been so inspected; (5) misbrand or do any act leading to misbranding; (6) refuse access at a reasonable time to any health officer, or anyone with authority to inspect and take samples; (7) refuse access and copying of records;

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<sup>1664</sup> § 583.411.

<sup>1665</sup> § 583.010.

(8) deliver, transport, sell or offer for sale or transportation for human consumption, any unviscerated slaughtered poultry, or any livestock or poultry carcass or part thereof which has been processed in violation of any requirements of the State of Nevada; or (9) apply any official inspection mark or label unless under the supervision of an inspector.<sup>1666</sup> Any item or animal offered or exhibited for sale in any market or elsewhere, as though intended for sale, shall be deemed as being offered or exposed for sale.<sup>1667</sup> Moreover, it is unlawful to possess with intent to sell any part of or whole carcass of an animal that (1) died, except by slaughter in a sanitary manner; (2) evidences disease; or (3) came from a sick or diseased animal.<sup>1668</sup>

Chapter 583 provides for forfeiture and removal of articles or animals which are unfit as human food.<sup>1669</sup>

### **Dairies and Dairy Products**

“Dairy products” includes any product manufactured from milk or any derivative or product of milk.<sup>1670</sup> “Fluid milk” means any and all whole or concentrated milk that is produced in conformity with applicable health regulations for market milk of the place where such milk is consumed.<sup>1671</sup> “Fluid cream” means cream and any combination of cream and milk, or any product of milk or cream sold under any trade name whatsoever, which is not packaged in hermetically sealed containers and which contains more than 11.6 percent milk fat and conforms

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<sup>1666</sup> § 583.475.

<sup>1667</sup> § 583.010(4).

<sup>1668</sup> § 583.030.

<sup>1669</sup> § 583.010(5)-(6).

<sup>1670</sup> § 584.340 (1997).

<sup>1671</sup> § 584.355.

to the health and sanitary regulations of the place where sold or disposed of for human consumption.<sup>1672</sup> “Distributor” means any person, whether or not the person is a producer or an association of producers, who purchases or handles fluid milk, fluid cream or any other dairy product for sale, including brokers, agents, copartnerships, and all cooperatives and associations.<sup>1673</sup> All distributors must be licensed by the dairy commission.<sup>1674</sup> No fresh fluid milk or fluid cream shall be sold or offered for sale unless there has been a permit issued by the “health division of the department of human resources in accordance with prescribed sanitation and grading regulations.<sup>1675</sup> The dairy farms, milk plants, and facilities of new applicants for permits shall be inspected and periodic inspections shall continue on an annual basis.<sup>1676</sup>

“Certified raw milk” is unpasteurized, marketed milk which conforms to the regulations and standards of the county milk commission for its production and distribution in the county where it is produced. In each county where certified raw milk or its products are produced, there must be a county commission that regulates the production and distribution of certified raw milk.<sup>1677</sup> Requirements for the sale of certified raw milk and its products are: (1) it must be cooled to 45 degrees Fahrenheit or less immediately after being drawn from the cow or goat and maintained at or below that temperature until it is delivered to the consumer, at which time it may not contain more than 10 coliform bacteria per milliliter or more than 10,000 bacteria per

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<sup>1672</sup> § 584.350.

<sup>1673</sup> § 584.345(1).

<sup>1674</sup> § 584.595(1).

<sup>1675</sup> § 584.180(1).

<sup>1676</sup> § 584.205(1).

<sup>1677</sup> § 584.207(2).

milliliter; (2) it must be certified by the county milk commission of the county in which it was produced; (3) no person shall come in contact with or be near raw milk before it is sold to the consumer unless the person maintains scrupulous cleanliness and is not afflicted with any communicable disease or in a condition to disseminate any disease which can be transmitted by milk; (4) anyone who handles milk to be sold as raw must have a physical examination before any employment and every three months thereafter; and (5) the state board of health must adopt the following regulations: (a) health inspections of cows and goats which produce milk for sale as raw milk, (b) establish standards of cleanliness and sanitation for dairy farms producing milk for sale as raw milk and the inspection of such farms, (c) examinations of all persons who come in contact with raw milk before it is sold to a consumer, and (d) any other matters concerning the production and sale of raw milk which the board deems necessary to protect the public health.<sup>1678</sup>

“Frozen dessert” means any clean frozen or partially frozen combination of two or more of milk or milk products, eggs or egg products, sugars, water, fruit or fruit juices, candy, nut meats, or other harmless and wholesome food products, flavors, color or harmless stabilizer. Included in frozen dessert are ice cream, frozen custard, ice milk, milk sherbet, ices and other similar products. “Mix” means the unfrozen combination of a frozen dessert whether or not it contains fruits, fruit juices, candy, nut meats, flavor or harmless color.<sup>1679</sup>

The following definitions and requirements apply to the sale of frozen dessert as ice cream or ice milk: (1) "candy" includes candies, cakes, cookies, glazed fruits, prepared cereals and similar products, (2) "Chocolate ice cream" means ice cream flavored with chocolate or

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<sup>1678</sup> § 584.208.

<sup>1679</sup> § 584.013(2).

cocoa, (3) "Fruit ice cream" means ice cream containing not less than 3 percent of clean, mature, sound fruit or its equivalent in other forms, (4) "Nut or candy ice cream" means ice cream containing not less than 1 percent by weight of sound, nonrancid nut meats or candy. No frozen dessert may be labeled or sold as ice cream unless it weighs at least 4.5 pounds per gallon, contains at least 6 percent of milk solids not fat, and contains at least 10 percent of milk fat and 20 percent of total milk solids, unless it is chocolate ice cream, fruit ice cream and nut or candy ice cream in which case it must contain at least 8 percent of milk fat and 16 percent of total milk solids. If frozen desserts contain less than the amounts of milk fat specified above, they may be produced and sold provided they are labeled as "ice milk" if they contain at least 2 percent of milk fat and 11 percent of milk solids; "low-fat frozen dairy desserts" if they contain at least 0.5 percent but less than 2 percent milk fat, or by a name which does not imply a dairy dessert, if they contain less than these amounts.<sup>1680</sup>

It shall be unlawful for anyone to sell, exchange, offer or expose for sale or exchange any impure butter for human consumption.<sup>1681</sup> Impure butter is butter that has not been made from cream and milk in which the entire procedure, from dairy to creamery, or other place of manufacture is conducted under sanitary conditions; the milk or cream is not from cows which have been certified as free from tuberculosis by a reputable veterinarian; or the milk or cream has not been pasturized.<sup>1682</sup> All impure butter is subject to confiscation and destruction.<sup>1683</sup> The

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<sup>1680</sup> § 584.014.

<sup>1681</sup> § 584.150(1).

<sup>1682</sup> § 584.125.

<sup>1683</sup> § 584.150.

Commissioner shall supply local butter dealers with a list of persons , firms and creameries commonly supplying butter classified as wholesome or impure butter, and will update the list.<sup>1684</sup>

It is a misdemeanor to manufacture for sale any article or substance which resembles butter but is not the legitimate product of the dairy, and is not made exclusively of milk or cream, but instead uses vegetable products or the oil or fat of animals, not produced from milk, as a component part, or uses melted butter, or any oil thereof, in place of cream, unless the package containing such article or substance is labeled or branded as "oleomargarine" or "margarine."<sup>1685</sup>

"Substitute dairy product" means any substance, mixture or compound intended for human consumption as a food product other than milk or dairy products which are intended to resemble milk or dairy products, but contain fat or oil other than milk fat.<sup>1686</sup> Consequently, no bottle, can, package or other container containing a substitute dairy product may be labeled or marked with a brand name or trade mark which would cause a reasonable person to believe that the contents of such might contain a dairy product.<sup>1687</sup>

Pasteurizing plants must have a self-registering device that records the time and temperature of pasteurizing. Also, the plant must keep records of the time and temperature for two months and provide such records for inspection to any health officer or enforcement personnel.<sup>1688</sup>

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<sup>1684</sup> § 584.140.

<sup>1685</sup> § 584.165.

<sup>1686</sup> § 584.176.

<sup>1687</sup> § 584.177.

<sup>1688</sup> § 584.145.

Every creamery, shipping station, milk factory, cheese factory, ice cream factory, condensery, or any person, firm or corporation receiving or purchasing milk or cream on the basis of butterfat contained therein must be licensed by the Commissioner of food and drugs.<sup>1689</sup> The license may be revoked, after notice, if the laws, rules, and regulations are not followed.<sup>1690</sup>

All milk or cream purchased on the basis of the amount of butterfat contained therein must be tested by a licensed tester, who must be qualified to perform the Babcock test of milk or cream. However, methods, besides the Babcock test, may be used if approved by the Commissioner of food and drugs. If such approval is given, equipment suitable for the performance of the Babcock test must be provided and maintained and the tester must be licensed to perform the other method of testing and the Babcock test.<sup>1691</sup> Likewise, all cream sold in the State of Nevada on the basis of the richness or the percentage of milk fat must be tested by the Babcock test, using an approved.<sup>1692</sup> Moreover, the cream must be weighed into the bottle used for testing.<sup>1693</sup>

A licensed tester must keep records of all tests made by him in a permanent book of record. The tests shall be recorded in the record book so as to identify the patron whose milk or cream has been tested to prevent erasures or changes being made in these tests. The record must be available during business hours for inspection by the Commissioner of food and drugs or his

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<sup>1689</sup> § 584.220.

<sup>1690</sup> § 584.230.

<sup>1691</sup> § 584.215.

<sup>1692</sup> § 584.250.

<sup>1693</sup> § 584.275(2).

agents, any officer of the city and county board of health, any peace officer of the city, county or state, or any patron who may be delivering milk or cream to the plant or place where such tests are made.<sup>1694</sup> A licensed tester must also retain in testable condition, a sample of all milk or cream tested by him for a period of at least 72 hours after such tests of milk or cream have been made. The tester is responsible for the safekeeping and custody of such samples of milk or cream.<sup>1695</sup> Inspections by the Commissioner shall be made of weights, scales, glassware, measures, and other apparatus used in creameries and factories of dairy products, where milk and cream are purchased.<sup>1696</sup> Nevada has adopted a standard measurement for butterfat. Therefore, it is unlawful for any person to underread, overread or otherwise fraudulently manipulate the official butterfat test to falsify the records, or to use any other test or deviation without approval by the Commissioner.<sup>1697</sup>

Except as provided above for raw certified milk and its products, milk and milk products, imported from outside Nevada may be sold in the state without inspection by the health division of the department of human resources. However, the following requirements must be met: (1) certified raw milk and its products must be produced under the standards adopted by the American Association of Medical Milk Commissions and under the statutory provisions of the State of California applicable to such products; (2) milk and milk products must have been produced, pasteurized, processed, transported and inspected under statutes or regulations

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<sup>1694</sup> § 584.240(2).

<sup>1695</sup> § 584.245.

<sup>1696</sup> § 584.255.

<sup>1697</sup> §§ 584.260, 584.275.

substantially equivalent to the Nevada milk and milk products statutes and regulations; and (3) the milk and milk products must have received an acceptable milk sanitation, compliance and enforcement rating by a state milk sanitation rating officer certified by the United States Public Health Service. Additionally, when reasonable grounds exist to believe that a seller of milk or milk products, including certified raw milk and its products, is violating any of the regulations adopted by the state board of health or any county milk commission concerning sanitation and gradation of milk and milk products, or that his facilities or products fail to meet the regulations, or that his operation is not being operated in the best interests of the people, the health division may conduct a reasonable inspection, and if any violation or other condition contrary to the people's best interests is found, the health division may take corrective action.<sup>1698</sup> Such corrective action may result in the refusal, suspension or revocation of any or all permits.<sup>1699</sup>

### **Poultry and Poultry Products**

The regulations covering poultry and poultry products are the same or similar to the regulations covering meat and meat products.<sup>1700</sup> Thus, questions regarding poultry or poultry products can be answered by reference to the sections above.

### **Eggs**

In order to be considered fresh, "fresh," "ranch" or "farm" eggs must meet the required grades and standards, not have acquired and offensive odor or taste, and must not have poor color

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<sup>1698</sup> § 584.205.

<sup>1699</sup> § 584.210(1).

<sup>1700</sup> §§ 583.070, 583.080.

due to processing, storage, or other cause.<sup>1701</sup> Incubated eggs—those subjected naturally or artificially to incubation for more than 48 hours— must be stamped with the word “incubated.” It is unlawful to sell unbranded or unstamped incubated eggs.<sup>1702</sup> An egg is not fit for human food if it is addled or moldy, contains a black spot, black rot, white rot, or blood streaks, has an adherent yolk, or a bloody or green white (albumen), or consists of a filthy, decomposed or putrid substance.<sup>1703</sup> The following definitions apply to the sentence above: (1)addled or white rot means putrid or rotten;<sup>1704</sup> (2) adherent yolk is when the yolk has settled to one side and attached to the shell;<sup>1705</sup> (3) black rot is when the whole interior of an egg appears black when held before a candle;<sup>1706</sup> (4) blood streak means the presence of blood;<sup>1707</sup> (5) black spot means the presence of mold or bacteria in isolated spots inside the shell;<sup>1708</sup> (6) moldy means the presence of mold inside the shell.<sup>1709</sup> No person, firm, corporation can sell, offer or expose for sale any egg unfit for human food unless the egg is broken in shell and then rendered unusable for human food.<sup>1710</sup> Eggs must be candled and graded before they are offered for sale to the public. State quarantine

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<sup>1701</sup> § 583.117.

<sup>1702</sup> §§ 583.118, 583.150.

<sup>1703</sup> § 583.140.

<sup>1704</sup> § 583.111.

<sup>1705</sup> § 583.112.

<sup>1706</sup> § 583.113.

<sup>1707</sup> § 583.115.

<sup>1708</sup> § 583.114.

<sup>1709</sup> § 583.119.

<sup>1710</sup> § 583.140.

officer can require inspection of eggs.<sup>1711</sup>

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<sup>1711</sup> AGO 356 (1-20-1930), AGO 278 (3-21-1946).